UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,859	10/31/2003	Howard W. Lutnick	CF-78	5126

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EXAMINER
ALI, MOHAMED HATEM

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09/19/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>31 October 2003</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-30</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-30</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>31 October 2003</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date <u>2/17/2004</u>.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2.   **Claims 1-19** are rejected under 35 U.S.C. 102(b) as being anticipated by Fraser

et al (5,905,974).

As per claim 1, Fraser et al discloses a system for allowing traders to switch

between multiple issues in trading quadrants (Abstract; via programmed controlled

trading logic and paradigms), the system comprising:

a display device (Fig.1; via workstation including display device);

a keyboard that has keys, wherein the keys include a key associated with a

benchmark issue and a key associated with a non-benchmark issue (Fig.3A; via

keyboard with programmed issue keys for inherent specific benchmarks); and

a processor configured (see col.4, lines 55-65; via computer base data

processing system) to:

direct the display device to display a first trading quadrant having a benchmark

issue (see col.5, lines 1-6, col.2, line 1-15 and col.9; via Quad 1 with inherent

benchmark issues);

provide a trader with an opportunity to select the at least one non-benchmark issue that is related to the benchmark issue by pressing the key on the keyboard that is mapped to the at least one non-benchmark issue (Fig.3A; programmed issue tabs for non-benchmark); and

direct the display device to display trading information related to the selected non-benchmark issue (Fig.3A; programmed issue tabs).

As per claims 2 and 3, Fraser discloses the keyboard has a key for price improvement and direct dealing (Fig.3A and col.4, lines 60-68; via dedicated keypad with programmed keystroke command inherent with better price and direct dealing).

As per claims 4, 5, 6, 7, and 8, Fraser discloses the processor is further configured to direct the display device to display a second trading quadrant that includes information related to the selected non-benchmark issue and a treasury swaps trading quadrant having at least three of the most recent issues and it is off-the-run trading quadrant (see col.5, lines 1-6, col.2, lines 1-15 and col.10; via Quad 2 with inherent recent benchmark issues and it is off-the-run quad).

As per claims 9, 10, and 11, Fraser discloses the second trading quadrant is a yield curve, a basis and a limit order-trading quadrant (see col.10 and col.4, lines 45-50; limit orders and other inherent programmed logical basis and yield curve).

As per claim 12, Fraser discloses a method for allowing a trader to switch between multiple issues (Fig.3A) in a trading quadrant, the method comprising:

displaying a trading quadrant having a benchmark issues (see col.5, lines 1-6, col.2, line 1-15 and col.9; via Quad 1 with inherent benchmark issues);

providing the trader with an opportunity to select at least one non-benchmark issue that is related to the benchmark issue by pressing a key on a keyboard that is mapped to the at least one non-benchmark issue (Fig.**3A**; programmed issue tabs with keyboard); and

providing the trader with the selected non-benchmark issue and trading information related to the selected non-benchmark issue (see col.5, lines 1-6, col.2, line 1-15 and col.10; via Quad 2 with inherent recent benchmark issues and it is off-the-run quad).

Claim 13 is rejected as per the reasons set forth in claim **4**

Claim 14 is rejected as per the reasons set forth in claim **5**

Claim 15 is rejected as per the reasons set forth in claim **7**

Claim 16 is rejected as per the reasons set forth in claim **9**

Claim 17 is rejected as per the reasons set forth in claim **10**

Claim 18 is rejected as per the reasons set forth in claim **11**

As per claim 19, Fraser discloses a method for allowing a trader to switch between multiple issues (Fig.3A) in a trading quadrant, the method comprising:

displaying a first trading quadrant having a benchmark issue (see col.5, lines 1-6, col.2, line 1-15 and col.9; via Quad 1 with inherent benchmark issues);

providing the trader with an opportunity to select at least one non-benchmark issue that is related to the benchmark issue by pressing the associated issue key on a keyboard that is mapped to the at least one non-benchmark issue (Fig.**3A;** programmed issue tabs with keyboard); and

displaying a second trading quadrant for the selected non-benchmark issue,

wherein the second trading quadrant includes information related to the selected non-

benchmark issue (see col.5, lines 1-6, col.2, line 1-15 and col.10; via Quad 2 with

inherent recent benchmark issues and it is off-the-run quad).

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4.   **Claims 20-30** are rejected under 35 U.S.C. 103(a) as being unpatentable over

Fraser et al in view of Silverman et al (US 6, 625,583 B1).

As per claim 20, Fraser discloses a system for providing direct dealing

information (see col.7, lines 33-57), the system comprising:

a server storage device (Fig.1 and col.7, lines 32-57; via servers **30** and **40** and data

processor database);

a server processor connected to the server storage device, the server storage

device storing a server program for controlling the server processor, the server

processor operative with the server program (see col.7, lines 40-4; via Pentium

Processor based PCs, SPARC Station using UNIX) to:

receive real-time direct dealing content for use in a trading quadrant (see col.7, lines 50-55 and col.9, lines 1-40); and

simultaneously display the trading quadrant (Col.9) and a ticker that contains the received real-time direct dealing content; and

a plurality of workstations, each of the plurality of workstations operative to communicate with the server, each of the workstations (Fig.1) comprising:

a workstation storage device (col.7, lines 40-45; PCs with SPARC Station); and

a workstation processor connected to the workstation storage device, the workstation storage device storing a workstation program for controlling the workstation processor, the workstation program operative to display the trading quadrant (col.8, lines 1-52).

However, Fraser et al fails to explicitly teach the workstation program operative to display the ticker that contains the received real-time direct dealing content.

Silverman et al in the same field of invention discloses the concept of displaying the ticker pages containing direct dealing content (see col.2, line 10-15; via direct selection of exposed pages and user can interact using a stylus).

From this teaching of Silverman, it would have been obvious to one of ordinary skill in the art at the time of invention was made to modify the display to include the process of ticker pages with direct trade order information in order to facilitate trading transactions.

As per claims 21 and 22, Fraser discloses the server programmed to receive a midprice order to buy or sell an item at a price within a spread market (col.4, lines 54-60, programmed logic and col.9, indicating a spread of .02).

However, Fraser et al fails to explicitly teach to update the direct dealing content in the ticker.

Silverman et al in the same field of invention discloses the concept of aggregating all buy/sell order values in ticker page.

From this teaching of Silverman, it would have been obvious to one of ordinary skill in the art at the time of invention was made to modify the concept of updating to include the process of aggregation in order to facilitate the buy/sell system with direct content of ticker pages.

As per claims 23 and 24, Fraser et al explicitly fails to disclose that the ticker includes at least one request and one response, which include orientation and size.

However, Silverman in the same field of invention discloses the concept of ticker pages with buy/sell price information including orientation and size (col.3 and 4, line 67 and 1-4 respectively; via display of particular ticker page).

Therefore, it would have been obvious to one ordinary skill in the art at the time of invention was made to modify the concept of ticker with request/response for orientation and size to include the process of displaying characteristics of ticker pages.

As per claim 25, Fraser discloses a method for providing direct dealing information in a trading quadrant that has trading information (col.8, lines 61-68; via display of trading quadrant), the method comprising:

receiving real-time direct dealing content for use in the trading quadrant (see col.8, lines 6-68; via real-time distribution and screen display in a trading quadrant); and simultaneously displaying the trading quadrant (see col.4, lines 9-14; via displaying trading activity of customers in real time).

However, Fraser et al fails explicitly to disclose a ticker that contains the received real-time direct dealing content.

Silverman et al in the same field of invention teaches the concept of a ticker page has a real-time direct dealing content (col.2, lines 12-15; via direct selection of exposed pages with information).

From the teachings of Silverman it would have been obvious to one of ordinary skill in the art at the time of invention was made to modify the ticker of direct dealing content to include the direct selection of ticker page in order to facilitate to avoid menu navigation.

Claims 26 and 27 are rejected as per the reasons set forth in claims **21** and **22**

Claims 28 and 29 are rejected as per the reasons set forth in claims **23** and **24**

As per claim 30, Fraser et al discloses. a method for providing real-time direct dealing information in a trading quadrant that has trading information (col.8, lines 61-68; via display of trading quadrant), the method comprising:

receiving a midprice order to buy or sell an item at a price within a spread market (col.4, lines 54-60, programmed logic and col.9, indicating a spread of .02).

updating direct dealing content in a direct dealing ticker in response to receiving the midprice order; and

simultaneously displaying the trading quadrant (see col.4, lines 9-14; via displaying trading activity of customers in real time).

However, Fraser et al fails to explicitly teach to update the direct dealing ticker in response to receiving midprice order.

Silverman et al in the same field of invention discloses the concept of aggregating all buy/sell order values in ticker page in response to summing order size and price information (col.6, lines 1-5)

From this teaching of Silverman, it would have been obvious to one of ordinary skill in the art at the time of invention was made to modify the concept of updating to include the process of aggregation in order to facilitate the buy/sell system with direct content of ticker pages for selected order objects.

Conclusion

5.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kirwin et al (US 2002/0029180 A1) discloses configurable trading interfaces.

Impink (6211880) discloses a display for presenting trends in financial commodities such as stocks.

6.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Mohamed H. Ali whose telephone number is 571-270-

3021. The examiner can normally be reached on 8.00 to 5.30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, James Kramer can be reached on 571-272-6783. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Mohamed H Ali
Examiner
Art Unit 3693

MA
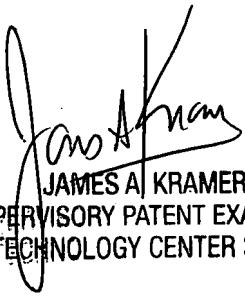
JAMES A KRAMER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

FORM PTO-1449	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTY. DOCKET NO. CF-78	APPLICATION NO. 10/699,859
[OIPE JC105 FEB 17 2004 PATENT & TRADEMARK OFFICE stamp]	INFORMATION DISCLOSURE STATEMENT BY APPLICANT	APPLICANTS Howard W. Lutnick et al.	CONFIRMATION NO. 5126
		FILING DATE October 31, 2003	GROUP 3623

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
/MA/	Des. 225,858	01/09/73	Kline	D26	5	
	Des. 327,057	06/16/92	Gosch	D14	115	
	Des. 335,660	05/18/93	Busch	D14	115	
	5,243,331	09/07/93	McCausland et al.	345	172	
	5,367,298	11/22/94	Axthelm	341	22	
	5,905,974	05/18/99	Fraser et al.	705	37	

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES	NO

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

EXAMINER INITIAL	
	Photographs of a Cantor Fitzgerald trading keyboard
	Photographs of a BrokerTec USA, LLC trading keyboard
/MA/	

EXAMINER | DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not conformance and not considered. Include copy of this form with next communication to applicant.